

**Remarks**

Claims 4, 8, 10, 12, 13, and 15 are pending in this application. Claim 3 is withdrawn from consideration as drawn to a non-elected species. Claims 1, 2, 5-7, and 14 have been canceled. New claims 16 and 17 have been added. Thus, claims 4, 8, 10, 12, 13, and 15-17 are under consideration. Claim 15 is amended herein to recite "during the peritransplant period." Support for "administration of the immunotoxin during the peritransplant period" can be found at least on page 8, lines 26-31; where "administration during the peritransplant period" is described. Support for new claims 16 and 17 can be found at least on page 8, lines 5-7; page 19, lines 1-6; and page 19, lines 12-21; where administration of mycophenolate mofetil alone or in combination with deoxyspergualin is described. No new matter is believed to be entered by these amendments.

**U.S.C. § 112, first paragraph**

Claims 4, 8, 10, 12, 13, and 15 are rejected under 35 U.S.C. § 112, ¶ 1, for allegedly failing to have written support in the specification for the claim as amended. In particular, the Examiner has rejected claims 13 and 15 for allegedly lacking written description in the specification for "a method of inhibiting a rejection response of a recipient of a cadaveric donor pancreatic islet transplant" and "transplanting cadaveric donor pancreatic islet cells to a subject in need thereof comprising administering to the subject a divalent anti-CD3 diphtheria toxin binding site mutant immunotoxin," respectively. The Examiner alleges that the support for claims 13 and 15 in the specification further comprises the limitations "(A) administration during the peritransplant period, and B) a generic reduction in the number of T lymphocytes," which are allegedly missing from claims 13 and 15. Applicants respectfully point out that both of the allegedly "specific limitations not found in the method of the instant claims" are, in fact, present in claims 13 as written. It is unclear to Applicants how these limitations could be lacking when a careful reading of the claim clearly shows the presence of both limitations. Applicants believe that with respect to claim 13 the rejection is moot. Moreover, claim 15 as previously submitted includes the recitation "reducing the subject's T-cell population." Claim 15 has been amended

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herein to recite "during the peritransplant period." Applicants believe this rejection to be overcome and respectfully request its withdrawal.

Pursuant to the above amendments and remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

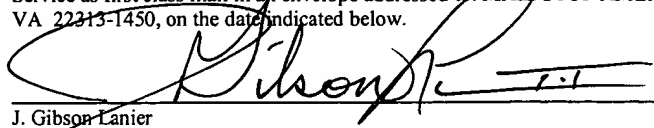
A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$120.00 for the Extension of Time fee for a large entity under 37 C.F.R. § 1.17(a)(1) and a Request for Extension of Time are enclosed. This amount is believed to be correct. However, should additional fees be required, the Commissioner is hereby authorized to charge any additional amount or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

  
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| <b><u>CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8</u></b>                                                                                                                                                                                                                                                                        |                      |
| I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below. |                      |
| <br>J. Gibson Lanier                                                                                                                                                                                                                           | Date <u>11/13/06</u> |